



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

May 28, 2013

Margo Schultz-Haugen  
National Marine Fisheries Service  
Highly Migratory Species Management Division F/SF1  
1315 East West Highway  
Silver Springs, MD 20910

**Subject: EPA NEPA Review Comments for FEIS "Amendment 5 to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan"; CEQ #20130106**

Dear Ms. Schultz-Haugen:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS) Final Environmental Impact Statement (FEIS) in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. EPA has responsibility to review and comment on major Federal actions significantly affecting the quality of the human environment, including Fishery Management Plans (FMPs) and FMP Amendments (Amendments) as developed, approved, and implemented under the Magnuson-Stevens Act where those Plans and Amendments are subject to the EIS requirement of NEPA. However, it should be clear that we defer to NOAA and the Councils as to the development of fishery statistics and the relative importance of the commercial and recreational fisheries for each species.

EPA understands that the proposed amendment will revise management strategies proposed in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan and is based on several shark stock assessments that were completed from 2009 to 2012. We understand that the NMFS assessments for the Atlantic blacknose, dusky, and scalloped hammerhead sharks indicated that these species are currently overfished and experiencing overfishing. We also understand that the assessment for the Gulf of Mexico blacktip sharks indicated that the stock is not overfished and is not experiencing overfishing. Lastly, we understand that NMFS did not accept the stock assessment for Gulf of Mexico blacknose sharks; therefore, no determination has been made with regards to the stock's statuses of overfished and overfishing.<sup>1</sup>

---

<sup>1</sup> p. i

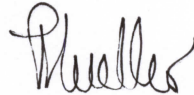
The NMFS proposes to implement management measures consistent with these recent stock assessments in an effort to reduce fishing mortality that will lead to the rebuilding of Atlantic shark species. However, EPA understands that management measures considered for dusky sharks will need further analysis and will be addressed under a future proposed action. The proposed actions under this amendment have the potential of impacting shark fishermen and dealers.<sup>2</sup>

EPA reviewed the DEIS for this proposed action and provided comments to NMFS in a comment letter dated February 12, 2013. EPA provided comments relating to the following areas: 1) Public Input, 2) Summary Table, and 3) Environmental Justice.

The NMFS provided responses to our comments in Chapter 12 – Appendix A of the FEIS. Based on NMFS's responses to EPA's comments on the DEIS we have no additional comments on this proposed action.

EPA appreciates the opportunity to review this FEIS. Should NMFS have questions regarding our comments on this DEIS, please feel free to contact Dan Holliman at 404/562-9531 or [holliman.daniel@epa.gov](mailto:holliman.daniel@epa.gov) of my staff.

Sincerely,



Heinz J. Mueller  
Chief, NEPA Program Office  
Office Environmental Accountability

---

<sup>2</sup> p. i-ii